

**Missouri Department of Natural Resource
Regulatory Impact Report
For
Proposed Amendment to 10 CSR 10-6.075**

Division/Program: Air and Land Protection/Air Pollution Control

Rule number: 10 CSR 10-6.075 Rule title: Maximum Achievable Control Technology Regulations

Type of rule: Amendment

Nature of the rule:

Affects environmental conditions
Prescribes environmental standards
Administrative

Submitted by:

Program Director Date

Approval of the Completed Regulatory Impact Report

Legal Counsel Date

Division Director Date

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1. Does the rulemaking adopt rules from the US Environmental Protection Agency or rules from other applicable federal agencies without variance?

This proposed rulemaking substantially codifies existing federal regulations, but not strictly without variance. In sections (1) and (3), necessary global modifications are made to the federal regulation to adapt to certain administrative terms (e.g., agency names), to incorporate certain exceptions under state law and to clarify potential conflicts with existing state regulations. Except for these minor but necessary adjustments, this rulemaking would not require this regulatory impact report.

2. A report on the peer-reviewed scientific data used to commence the rulemaking process.

The proposed rule amendment development does not require review of peer-reviewed scientific data since this rulemaking does not impose additional requirements on industry.

The purpose of this rulemaking is to adopt 40 CFR part 63 subparts promulgated and amended by the U.S. Environmental Protection Agency (EPA) during the prior fiscal year ending June 30, 2004, as published by the Office of the Federal Register. This rulemaking will change one of three annually updated state air regulations to incorporate by reference amended federal air toxics regulations.

The proposed rule amendment neither tightens nor relaxes current requirements.

3. A description of the persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.

Potentially affected entities would not change with this proposed rulemaking. This proposed rulemaking would most likely affect the following entities:

1. Polyvinyl chloride and copolymers production activities
2. Ethylene manufacturing processors
3. Site remediation activities
4. Nonferrous metal refiners
5. Taconite iron ore processing facilities
6. Specialty organic chemical producers
7. Beverage and metal can manufacturing facilities
8. Miscellaneous coating manufacturing
9. Alkalies and chlorine manufacturing
10. Gasoline and non-gasoline distribution facilities
11. Miscellaneous metal parts and products, and plastic parts and products industries
12. Lime manufacturing plants

13. Industries using stationary combustion turbines and/or reciprocating internal combustion engines
14. Iron and steel foundries
15. Magnesium refiners
16. Refractory products manufacturing
17. Automotive and light-duty truck assembly plants
18. Pulp mills

4. A description of the environmental and economic costs and benefits of the proposed rule.

This rulemaking assumes that all costs of compliance to industry were incurred as a result of the federal rulemaking. The department's Air Pollution Control Program does not anticipate significant environmental and economic costs associated with the proposed rulemaking.

5. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

The program does not expect this agency or any other public agency to incur additional costs to implement and enforce this proposed rulemaking. The proposed rulemaking will have no effect on State revenue.

6. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.

There is no measurable difference in environmental costs or benefits when comparing this rulemaking to inaction.

7. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.

Not applicable.

8. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.

None.

9. An analysis of both short-term and long-term consequences of the proposed rule.

By analyzing both short-term and long-term consequences, the program determined that if the proposed rule amendment is not promulgated, the department cannot request delegation of enforcement authority from EPA or fulfill EPA's annual requirement to approve the state's authority to administer its Title V permits program.

10. An explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.

The program does not anticipate any risks to human health, public welfare, and/or the environment associated with this proposed rulemaking.

11. The identification of the sources of scientific information used in evaluating the risk and a summary of such information.

Not applicable.

12. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

Not applicable.

13. A description of any significant countervailing risks that may be caused by the proposed rule.

None known.

14. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

None known.

15. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State.

Formal comments can be provided on either the Regulatory Impact Report or the draft rule text by sending them to the contact listed below.

Questions and/or comments may be sent to:

Chief, Operations Section
Missouri Department of Natural Resources' Air Pollution Control Program
PO Box 176
Jefferson City, MO 65102-0176

or

Missouri Air Conservation Commission
PO Box 176
Jefferson City, MO 65102-0176

or

call: (573) 751-4817

16. Provide information on how to request a copy of comments or the web information where the comments will be located.

Copies of formal comments made on either the Regulatory Impact Report or the draft rule text may be obtained by request from the contact listed above or by accessing the Rules In Development section at Web site www.dnr.mo.gov/alpd/apcp/homeapcp.htm for this particular rulemaking.